

HOUSE BILL REPORT

SHB 1406

As Passed Legislature

Title: An act relating to specialized forest products.

Brief Description: Concerning specialized forest products.

Sponsors: By House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Buck, B. Sullivan, Orcutt, Takko, Kretz, Alexander, Grant, Shabro, Linville and Skinner).

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 2/1/05, 2/22/05 [DPS].

Floor Activity:

Passed House: 3/7/05, 96-0.

Passed Senate: 4/13/05, 45-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Defines "specialty wood" as certain species of wood with special characteristics that may be used for making musical instruments or ornamental boxes and requires a specialized forest products permit or true copy to harvest, possess, or transport the product.
- Requires specialty wood processors to make and maintain records of purchase and includes a requirement to have a bill of lading accompany all cedar and specialty wood products after they are received by the processor.
- Authorizes a law enforcement officer at the time of arrest to seize and take possession of any equipment, vehicles, tools, or paperwork from a person harvesting, possessing or transporting cedar or specialty wood products in violation of the law.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake, DeBolt, Dickerson, Eickmeyer, Orcutt and Williams.

Staff: Jeff Olsen (786-7157).

Background:

It is unlawful for a person to harvest certain amounts of specialized forest products without first obtaining a validated specialized forest products permit (permit). Specialized forest products include Christmas trees, native ornamental trees and shrubs, evergreen foliage, cedar products, cascara bark, and wild edible mushrooms. A permit is required prior to harvesting more than three gallons of a single species of wild mushroom or more than nine gallons of wild edible mushrooms. Permits are validated by the county sheriff's office in the county in which the products are to be harvested. If a person is harvesting an amount below the threshold where a permit is required, that person must still obtain permission to harvest from the landowner.

It is unlawful to possess or transport a specialized forest product without a written authorization, sales invoice, bill of lading, or a permit containing the following information: the date of its execution; the number and type of products sold or transported; the name and address of the owner and receiver of the product; and, the location of origin of the product.

Buyers of specialized forest products must collect information about their purchases. Specifically, the buyer must record the permit holder's name, the permit number, the type of product purchased, and the amount purchased. The buyer must retain this information for a year and make it available for inspection by authorized enforcement officials. The buyer must also record the seller's permit number on the bill of sale. These record keeping requirements do not apply to buyers of these products at the retail sales level.

It is unlawful for any cedar processor to purchase cedar products or salvage unless the supplier displays a permit or a true copy of the print. Cedar processors must make and maintain a record of the purchase, taking possession, or retention of cedar products and cedar salvage for at least one year after the date of receipt. The records shall include the date of delivery, the license number of the vehicle delivering the products, the driver's name, and the specialized forest products permits number. Cedar processors must also display a valid registration from the Department of Revenue at each location where they receive cedar products.

A person violating specialized forest products regulations is guilty of a gross misdemeanor and shall be punished by a fine not to exceed \$1,000, up to one year in county jail, or both. In addition, a law enforcement officer may seize and take possession of any specialized forest products that are harvested, possessed or transported in violation of the law. All fines collected for violations are paid into the general fund of the county treasury in which the violation occurred.

Summary of Substitute Bill:

Specialty wood is defined to include logs less than eight feet in length and from western red cedar, Englemann spruce, Sitka spruce, big leaf maple, or western red alder. In addition, specialty wood must be free of knots in a specified area, or may be used for making musical instruments or ornamental boxes. Specialty wood does not include wood harvested or transported from areas associated with a current forest practices application approved by the Department of Natural Resources (DNR) or an agency of the United States. It is unlawful for any person to harvest, possess, or transport a specialty wood product without a specialized forest products permit (permit) or a true copy of the permit.

A properly completed permit for cedar and specialty wood must include a copy of a map or aerial photograph with defined permit boundaries. Prior to harvest, a person must obtain a permit to harvest specialty wood or more than five gallons of wild edible mushrooms. In addition, it is unlawful to possess, transport, or possess and transport five gallons of wild edible mushroom or specialty wood without having a valid permit or true copy. For cedar and specialty wood, a true copy of a validated specialized forest products permit must be signed by both the permittee and permittor in original ink.

The bill of lading must accompany all cedar and specialty wood products after it is received by the cedar or specialty wood processor. A bill of lading means a written or printed itemized list for the transportation or possession of a specialized forest product including: the date of transportation; the name and address of the first cedar processor or first specialized forest products buyer; the name and address from where the product is being transported; the name of the person receiving the product; the name of the driver; the vehicle license number; and, the type and amount of product being shipped. A bill of lading is not required following a retail sale.

A specialty wood buyer or processor may not purchase, take possession, or retain specialized forest products and specialty wood unless the supplier displays a permit or a true copy of the permit. For products being transported into the state, a specialty wood processor may not purchase, take possession, or retain the product unless the supplier displays a permit or other governmental document indicating the true origin of the product. Every specialty wood buyer or processor must display a valid registration from the Department of Revenue at each location where they receive cedar or specialty wood products.

The DNR must develop and print the specialized forest products permit and distribute it to the county sheriffs. The DNR must develop and distribute educational materials on regulation of specialized forest products for law enforcement, forest landowners, harvesters, buyers, and processors.

A law enforcement officer may seize and take possession of any equipment, vehicle, tools, or paperwork when cedar or specialty wood products are harvested, possessed or transported in violation of the law. The law enforcement officer shall provide reasonable protection of the items during the litigation process, or may dispose of the items at the discretion of the court. Upon disposition of the case by the court, the court shall make a reasonable effort to return the items. All fines collected for violations are paid into the general fund of the county treasury in

which the violation occurred and are distributed equally among the district courts in the county, the county sheriff's office, and the county's general fund.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) There are currently problems providing enforcement for timber theft. Certain special wood products have a very high value for specific applications, such as producing musical instruments. The demand for certain qualities in these products means one tree with the right characteristics could be worth \$10,000, where the average tree is worth \$200. Many of these trees are located in sensitive areas and should not be logged. Current laws are not strong enough and make it difficult for law enforcement to enforce. Also, these products are taken illegally, damaging the environment, taking monetary value from the landowner, and not generating any tax revenue for the state.

(With concerns) The evergreen foliage industry supports the intent of the changes to address the problems regulating specialty wood, but is concerned about some of the impacts of these changes on their industry. The increase in permitting and paperwork for evergreen foliage is a problem, and perhaps a new permit should be created for specialty wood.

Testimony Against: (In support) Representative Buck, prime sponsor; Tim Scherer, Weyerhaeuser Company; Berry Wihene; and Janet Strong.

(With concerns) Howard Thronson, Department of Natural Resources; David Ducharme, Western Greens Coalition; and Patti Case, Green Diamond Resources.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.